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Attorneys for Defendant  
7 CIPHERTRUST, INC.

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 STEPHEN H. DAVIS,

12 Plaintiff,

13 v.

14 CIPHERTRUST, INC. and DOES 1-10,

15 Defendants.  
16

**Case No. C 05 4508 CRB**

**NOTICE OF PENDING  
SETTLEMENT AND REQUEST TO  
RESCHEDULE CASE  
MANAGEMENT CONFERENCE**

1           1.       This case is scheduled for a Case Management Conference on June 9, 2006 at  
2 8:30 a.m. in Dept. 8 before the Honorable Charles R. Breyer.

3           2.       The parties have reached agreement on the terms of a settlement which will  
4 dispose of all claims and cross-claims in this action. The parties are in the process of completing  
5 the settlement documentation and expect to file a Notice of Dismissal within thirty to sixty days.

6           3.       The parties request that the CMC scheduled for June 9, 2006 at 8:30 a.m. be taken  
7 off calendar or rescheduled to allow the parties time to complete the settlement and file a Notice  
8 of Dismissal.

9 Dated: June 7, 2006

JONES DAY

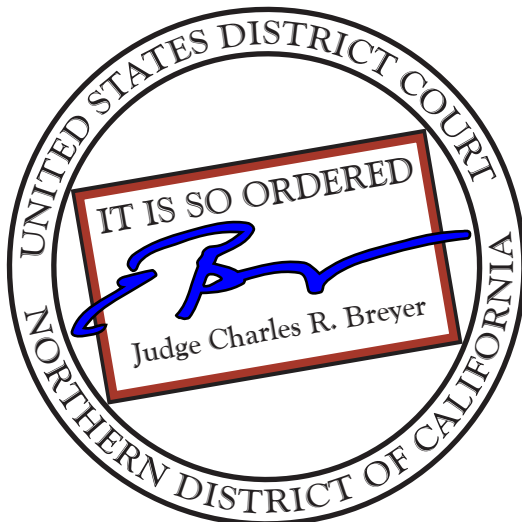
11 /s/

12 Gary W. Nugent  
Attorneys for Defendant CipherTrust, Inc.

13 Dated: June 7, 2006

15 /s/

16 Kyra Subbotin  
Attorney for Plaintiff Stephen H. Davis



June 8, 2006